

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

District Court and Boston Municipal Court

2. Date Rules Submitted for Approval:

October 19, 2009

3. Date Approved and Promulgated by the Supreme Judicial Court:

December 22, 2009

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

District/Municipal Courts Supplemental Rules of Civil Procedure

116, 140 and 150 are repealed

Effective date: January 1, 2010

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



Lynda M. Connolly
Chief Justice

**Trial Court of the Commonwealth
District Court Department**

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October 19, 2009

Christine P. Burak, Esquire
Secretary, Supreme Judicial Court Rules Committee
Supreme Judicial Court
John Adams Courthouse
One Pemberton Square, Boston MA 02108

Dear Attorney Burak:

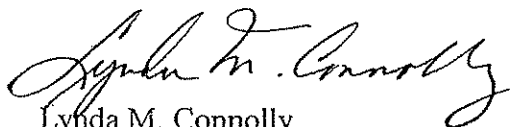
Chief Justice Charles R. Johnson and I are jointly proposing a repeal of Rules 116, 140 and 150 of the District/Municipal Courts Supplemental Rule of Civil Procedure that are no longer needed.

Supplemental Rule 116 governed the removal of cases to the Superior Court under G.L. c. 231, § 104 pursuant to the prior remand/removal system that was abolished on August 31, 2004. There should no longer be any pending legacy cases to which it applies.

Supplemental Rule 140 governed the pre-1990 procedure by which a trial judge's decision in an unemployment compensation case could be appealed to the Appellate Division by means of a draft report. However, G.L. c. 151A, § 42 was amended by St. 1990, c. 154, § 30 to provide that such appeals are now directly to the Appeals Court and in accordance with the Massachusetts Rules of Appellate Procedure. While we initially left Rule 140 in place for legacy cases, there should no longer be any pending cases to which Rule 140 applies.

Finally, Supplemental Rule 150 once governed applications for compensation by victims of violent crimes under G.L. c. 258A. Statute 1993, c. 478 has repealed G.L. c. 258A and replaced it with G.L. c. 258C, effective January 1, 1995. Compensation claims filed since 1995 under c. 258C are governed by District/Municipal Courts Supplemental Rule of Civil Procedure 151. Again, we believe that there are no longer any legacy cases to which Rule 150 would be applicable.

Sincerely,


Lynda M. Connolly
Chief Justice of the District Court

cc: Hon. Robert A. Mulligan, Chief Justice for Administration and Management
Hon. Charles R. Johnson, Chief Justice of the Boston Municipal Court